

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

:
Plaintiff,

:
vs.

Case No. 3:09-CR-109

:
PIERRE COLQUITT,

JUDGE WALTER HERBERT RICE

:
Defendant.

DECISION AND ENTRY SUSTAINING GOVERNMENT'S MOTION TO
DISMISS COUNT III OF THE FIRST SUPERSEDING INDICTMENT (DOC.
#70) AND OVERRULING, AS MOOT, DEFENDANT'S SIMILAR MOTION
(DOC. #66); NO RULING UPON THE MERITS OF EITHER MOTION MADE;
COUNT III DISMISSED, WITH PREJUDICE

The Government's motion, seeking an order of the Court dismissing Count III of the First Superseding Indictment (Doc. #70), is sustained, not upon the merits of the issue raised therein, but for the specific reasons posited by the Government, to wit: "[r]ather than requiring this Court to sift through the unsettled case law in this area, the United States moves to voluntarily dismiss Count III of the First Superseding Indictment. . . . Dismissal is particularly appropriate given the severity of the remaining charges against this Defendant." The Motion of the Defendant, seeking the same relief (Doc. #66), is overruled as moot.

No ruling is made or intended by this Court on the merits of the Defendant's Motion to Dismiss.

Count III is dismissed, with prejudice.

January 31, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record
United States Marshal
United States Pretrial Services
United States Probation Department